

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EPPENDORF AG,

Plaintiff,

v.

BIO-RAD LABORATORIES, INC., MJ
GENEWORKS, INC. and MJ RESEARCH,
INC.,

Defendants.

ORDER

07-cv-623-bbc

This court recently revised its claims construction procedure and is applying the new procedure retroactively in all patent cases in which the first claims construction brief has not been filed with the court. The claims construction hearing previously set in this case is stricken but can be reinstated if the parties persuade the court that a hearing actually is necessary. Although the briefing dates have not changed, the contents of the briefs has:

Motions Requesting Construction: July 3, 2008

Not later than the date set forth above, any party may file and serve a motion requesting that the court construe specified terms. The party must submit each of its proposed constructions and all documentary support for its proposals. Additionally, it is the party's burden to persuade the court that construction of each specified term is necessary to resolve a disputed issue concerning infringement or invalidity. If the moving party wants a claims

construction hearing, then it must request one, specify which terms require a hearing and provide grounds why a hearing actually is necessary for each specified term.

Responses: July 10, 2008

Not later than the date set forth above, a party must file and serve any objections to an opponent's motion requesting claims construction, including any objection to the opponent's proposed method of construction.

Entered this 18th day of June, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge